

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6637

BILL NUMBER: HB 1093

NOTE PREPARED: Feb 23, 2006

BILL AMENDED: Jan 31, 2006

SUBJECT: Offenses on School Property or Against School Employees.

FIRST AUTHOR: Rep. Dobis

FIRST SPONSOR: Sen. Wyss

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. *Possession of a Knife on School Property* -- It makes possessing a knife on school property or on a school bus a Class B misdemeanor. It makes the offense a Class A misdemeanor if the offender has a previous unrelated conviction and a Class D felony if the offense results in bodily injury or serious bodily injury to another person.
- B. *Battery and Harassment Incidents* -- It adds battery against, and the harassment of, a school employee to the list of offenses that must be reported to a local law enforcement agency.
- C. *School Corporation Performance Report* -- It requires school corporations to compile the number incidences of threats, intimidation, battery, or harassment on school grounds and include these statistics in the school corporation performance report.

Effective Date: July 1, 2006.

Explanation of State Expenditures: *Possession of a Knife on School Property* -- There are no data available to indicate how many offenders may be convicted of the Class B misdemeanor, or the enhanced Class A misdemeanor or Class D felony created under the bill. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,977 in FY 2005. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$62,292. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is

approximately ten months.

Explanation of State Revenues: *Possession of a Knife on School Property* -- If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000, for a Class A misdemeanor is \$5,000, and for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: *Possession of a Knife on School Property* -- A Class B misdemeanor is punishable by up to 180 days in jail and a Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44. The cost for juvenile detention facilities averaged \$114 per day and ranged from \$70 to \$160 per day in FY 2004.

(Revised) *School Corporation Performance Report* -- Under the bill, schools would require additional administrative time to compile the number of incidences of threats, intimidation, battery, or harassment on school grounds. Under current law, schools are annually required to print their reports in a local newspaper. Schools are also required to keep copies of the report available on the Department of Education's website.

Explanation of Local Revenues: *Possession of a Knife on School Property* -- If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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